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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 SAN JOSE DIVISION

20 UNITED STATES OF AMERICA,) Case No. CR 18-258 EJD
21 Plaintiff,)
22 v.) STIPULATION AND [PROPOSED] ORDER
23 RAMESH "SUNNY" BALWANI,) REGARDING PASSPORT
24 Defendant.)
25 _____)

26 **STIPULATION**

27 WHEREAS, on June 15, 2018, as a condition of his release in the above-entitled action, the
28 Court ordered Defendant Ramesh Balwani to surrender possession of his passport to U.S. Pretrial
Services.

29 WHEREAS, Mr. Balwani's passport expired on June 26, 2019.

30 WHEREAS, on May 15, 2020, Mr. Balwani and the government filed a Stipulation and Proposed
31 Order for temporary release of Mr. Balwani's passport to the custody of defense counsel. Dkt. 398. The
32 stipulation stated in substance that Mr. Balwani wished to renew his passport, as well as a visa to India

1 that expired in 2019, to ensure that he would be able to travel to India to visit and care for his elderly
2 mother, whose health was in rapid decline.

3 WHEREAS, just after the parties filed the stipulation on May 15, 2020, Mr. Balwani learned that
4 his mother had passed away.

5 WHEREAS, after Mr. Balwani's mother's passing, Mr. Balwani, through counsel, expressed a
6 desire to renew his passport and the visa to permit travel to India to perform rites in relation to his
7 mother's death, and on or about May 20, 2020, the parties submitted an amended stipulation in light of
8 Mr. Balwani's mother's passing. Dkt. 401.

9 WHEREAS, on May 20, 2020, the Court ordered U.S. Pretrial Services to release Mr. Balwani's
10 passport to his counsel on a temporary basis for the purpose of permitting counsel to arrange for the
11 renewal of Mr. Balwani's passport and visa to travel to India. Dkt. 402.

12 WHEREAS, on July 23 and 25, 2020 Mr. Balwani, through counsel, informed the government
13 that he was able to renew his passport but that the Indian government was not issuing visas due to
14 Covid-related restrictions.

15 WHEREAS, Mr. Balwani informed the government on July 25, 2020 that attorney Robin
16 Linsenmayer of Orrick Herrington & Sutcliffe would hold the passport until Mr. Balwani could obtain
17 an Indian visa and arrange for travel.

18 WHEREAS, because of such travel restrictions related to COVID-19, Mr. Balwani has not yet
19 been able to travel to India. Mr. Balwani still desires to travel to India to honor his mother with his
20 family according to religious tradition.

21 WHEREAS, on October 22, 2020, the government asked counsel for Mr. Balwani about the
22 status of the passport and, on October 23, 2020, the government requested that it be returned to U.S.
23 Pretrial Services.

24 WHEREAS, the parties understand and acknowledge that Mr. Balwani may seek release of his
25 passport for the purpose of obtaining a visa and traveling to India if and when the Government of India
26 resumes issuing visas, and provided any such travel does not interfere with required appearances before
27 the Court.

28 THEREFORE, the parties stipulate and agree that Mr. Balwani shall return his passport to U.S.

1 Pretrial Services at 280 South 1st Street, #1150, Robert F. Peckham Federal Building and Courthouse,
2 San Jose, CA 95113, on or before Friday, October 30, 2020.

3 IT IS SO STIPULATED.

4 DATED: October 26, 2020

STEPHANIE M. HINDS
Attorney for the United States,
Acting Under Authority Conferred
By 28 U.S.C. § 515

7 _____/s/_____
8 ROBERT S. LEACH
9 JEFF SCHENK
10 JOHN C. BOSTIC
11 VANESSA BAEHR-JONES
12 Assistant United States Attorneys

13 DATED: October 26, 2020

14 ORRICK, HERRINGTON & SUTCLIFFE LLP

15 _____/s/_____

16 JEFFREY B. COOPERSMITH, ESQ.
17 Attorneys for Ramesh "Sunny" Balwani

18 [PROPOSED] ORDER

19 With the consent of the parties, and good cause appearing, IT IS HEREBY ORDERED that Mr.
20 Balwani shall return his passport to U.S. Pretrial Services at 280 South 1st Street, #1150, Robert F.
21 Peckham Federal Building and Courthouse, San Jose, CA 95113, on or before Friday, October 30, 2020.
22 This order is without prejudice to Mr. Balwani seeking return of the passport and permission to travel to
23 India in the future.

24 IT IS SO ORDERED.

25 DATED: October 28, 2020

26 _____
27 *Susan van Keulen*
28 THE HONORABLE SUSAN VAN KEULEN
United States Magistrate Judge